



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

THE NORTH FACE APPAREL CORP.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:09-cv-02029-RWS
	)	
WILLIAMS PHARMACY, INC.,	)	
JAMES A. WINKELMANN, JR., and	)	
THE SOUTH BUTT LLC,	)	
	)	
Defendants.	)	

**PLAINTIFF'S EXHIBIT LIST**

Plaintiff The North Face Apparel Corp., by its attorneys, submits the below list of exhibits in accordance with the Court's Scheduling Order of August 14, 2012 (Doc. 85).

EXHIBIT NO.	DESCRIPTION	ADMISSIBILITY
1	Consent Injunction, dated April 12, 2010	Agreed
2	TM Registrations for THE NORTH FACE	
3	TM Registrations for NEVER STOP EXPLORING	
4	Why Climb Mountains LLC's TM Application Serial No. 85/390,367, dated August 5, 2011 for 	Agreed
5	Notice of Publication for Application Serial No. 85390367, dated December 14, 2011	
6	TAC's Requests for Extension of Time in which to Oppose Application Serial No. 85390367, dated February 2, 2012 and April 30, 2012.	
7	TAC's Notice of Opposition against TM Application	Agreed

	Serial No. 85/390,367, dated July 2, 2012	
8	Printout from the Missouri Secretary of State reflecting creation of Why Climb Mountains, LLC on April 14, 2010 and organization by "James A Winkelmann" of 21 N. Meramec, 2nd Floor, Clayton MO 63105.	Agreed
9	Printout from GoDaddy.com's WhoIs database reflecting the following registration and creation information for the <a href="http://www.thebuttface.com">www.thebuttface.com</a> domain.	Agreed
10	Printout from the United States Patent and Trademark Office Trademark Electronic Search System (TESS) database concerning application Serial No. 85/390,367, dated August 5, 2011, for the mark:  	Agreed
11	Printouts from the website <a href="http://www.thebuttface.com">www.thebuttface.com</a> .	Agreed
12	Printout of Twitter posting on behalf of OLOP_SHOP.	Agreed
13	Printout of "The Butt Face" Facebook page.	Agreed
14	Videos and/or printouts reflecting videos from <a href="http://www.youtube.com">www.youtube.com</a> entitled "OLOP AND BUTTFACE sponsor Facebook Comes Alive Trivia" and "OLOP BUTT FACE PRESS."	Contested
15	Printouts from Reddit.com, concerning the posting submitted on March 28, 2012 and including all comments available as of May 21, 2012.	Agreed
16	A cached screen shot of THE BUTT FACE Info page from March 29, 2011, from "The Butt Face" Facebook page	Agreed
17	Printouts of "The Butt Face" Facebook page as it appeared on April 5, 2011.	Agreed
18	Printout of a webpage located at the url <a href="http://www.wil92.com/?nid=103&amp;sid=15746732">www.wil92.com/?nid=103&amp;sid=15746732</a> and found on the website located at <a href="http://www.wil92.com">www.wil92.com</a> .	Contested
19	Printout of a screen shot of the home page for the website located at <a href="http://www.thebuttface.com">www.thebuttface.com</a> , as it appeared	Agreed

	on August 1, 2012.	
20	Printout of a screen shot of the home page for the website located at <a href="http://www.thebuttface.com">www.thebuttface.com</a> , as it appeared on August 22, 2012.	Agreed
21	Printout of a screen shot of newsletter page for the website located at <a href="http://www.thebuttface.com">www.thebuttface.com</a> , as it appeared on August 17, 2012	Agreed
22	September 7, 20012 letter from Albert S. Watkins, Esq. to G. Roxanne Elings, Esq. re offer of settlement	Contested
23	Deposition Transcript of James A. Winkelmann, Sr., dated March 25, 2010	Agreed
24	Deposition Transcript of James A. Winkelmann, Jr., dated March 13, 2010	Agreed
25	Depictions of THE NORTH FACE trademark, including as it appears on articles of clothing	Agreed
26	Depictions of the NEVER STOP EXPLORING trademark	
27	Depictions of THE BUTT FACE trademark, including on articles of clothing	Agreed
28	Depictions of THE SOUTH BUTT trademark, including as it appears on articles of clothing	Agreed
29	April 12, 2011 letter from G. Roxanne Elings, Esq. to Albert S. Watkins, Esq. re notice of infringement (redacted)	Agreed
30	Printouts from the website <a href="http://www.thenorthface.com">www.thenorthface.com</a>	
31	Declaration of Dr. Gerald L. Ford, including exhibits	Agreed
32	April 25, 2011 email thread from Michael Schwade to Heidi Garfield, Albert Watkins and Roxanne Elings with subject line RE: 11-420 The South Butt – Winding Up (redacted)	Agreed
33	Confidential Settlement Agreement, dated April 1, 2010	Agreed

34	Mockup of a DENALI style jacket bearing the BUTT FACE and Design trademark	
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\*The parties have reserved the right to object on the grounds of relevance to all exhibits.

\*\*The North Face reserves the right to use demonstratives that summarize testimony elicited at trial and that may incorporate other exhibits or portions of exhibits otherwise admitted at trial or identified on this list.

Respectfully submitted,

/s/ Michael A. Kahn

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### **CERTIFICATE OF SERVICE**

The undersigned certifies that on this 9th day of October, 2012, the foregoing and its attachment was served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Michael A. Kahn